

REMARKS

The Examiner is respectfully requested to consider the following remarks prior to examination of the above-identified patent application.

The Office Action dated January 3, 2006, has been received and carefully noted. The following remarks are submitted as a full and complete response thereto. Claims 7-71 are pending, claims 47-61 and 67-71 have been allowed and claims 7-46 and 62-66 are respectfully submitted for consideration.

Allowable Subject Matter

The Applicants wish to thank the Examiner for allowing claims 47-61 and 67-71.

Rejection Under 35 U.S.C. § 102

Claims 7-46 and 62-66 were rejected under 35 U.S.C. § 102(e) as being anticipated by Heo (U.S. Patent No. 6,167,192). 8-14 and 62 depend from claim 7, claims 16-22 and 63 depend from claim 15, claims 24-30 and 64 depend from claim 23, claims 32-38 and 65 depend from claim 31, claims 40-46 and 66 depend from claim 39. The Applicants traverse the rejection and respectfully submit that claims 7-46 and 62-66 recite subject matter that is neither disclosed nor suggested by Heo.

Heo discloses a logic data structure of DVD-video disc, wherein the information regarding audio stream in the control information is disclosed in the audio-stream attribute chart (b63-b0) of Fig. 5. Specifically, the audio stream attribute table of the VTS (VTS_AST_ATRT) of RBP 516 to 579 in the VTSI_MAT having the same structure as that of FIG. 4, stores VTS_AST_ATR #0-#7 RBPs of the eight audio streams, each of the VTS_AST_ATRs having 8 bytes as shown in FIG. 5, and the respective field's

values become the internal information of the audio stream of the VTSM_VOBS. See column 5, lines 10-17 of Heo.

With respect to claims 7, 15, 23, 31, and 39 the Applicants respectfully submit that Heo fails to disclose or suggest the claimed features of the invention. Claims 7, 15, 23, 31, and 39 recite control information including application information indicating whether or not the audio stream recorded in the video data recording area contains audio data intermingled from different recording modes as one stream. The Office Action took the position that Heo disclosed this feature in column 4, line 36 to column 5, line, 41, which the Applicant notes covers Fig. 5. The Applicants respectfully submit that there is no disclosure or suggestion, in Heo of at least the feature of the claimed application information. In contrast, in Fig. 5 Heo merely discloses an audio-stream attribute chart (b63-b0). This chart, however, does not disclose or suggest the claimed “application information” as set forth below.

Specifically, Heo discloses information regarding the audio stream in the internal information in the audio stream attribute chart (b63-b0) of Fig. 5, in which “b63-b61” indicates an audio coding mode such as Dolby AC-3 or Linear PCM audio; “b60” indicates whether or not there is an execution of multi-channel extension; “b57-b56” indicates an Audio Application Mode, which includes the Karaoke Mode or the Surround Mode; “b50-b48” merely indicates the number of audio channels, in which any different modes are not intermingled; and “b7-b6” merely discloses a switch. As such, the Applicants respectfully submit that each of the modes is missing the claimed application information. Accordingly, none of the modes in Heo disclose or suggest at least the combination of features of “application information” indicating whether or not the audio

stream recorded in the video data recording area contains audio data intermingled from different recording modes as one stream.”

Further, Heo does not disclose or suggest audio data intermingled from different recording modes as one stream. Heo discloses attribute information of audio for each VTS, including a plurality of streams, not one stream. See column 5, lines 10-14 of Heo. Furthermore, b60 in Fig. 5 of Heo is information for indicating whether the multi-channel extension is carried out or not, not information for indicating whether the different recording modes are intermingled or not. In particular, there is no disclosure or suggestion in Heo regarding audio data intermingled from different recording modes.

In addition, the Applicants respectfully submit that the audio data in Heo is provided in a “track” which is different from the claimed “stream”. A track represents a recording portion of a spiral form in which some streams such as video, and some types of sub-pictures and audio are time-divisionally aligned thereon. In contrast, the present invention, as recited in claims 7, 15, 23, 31 and 39, is directed to a “stream” which represents continuous information flow. Accordingly, the Applicants respectfully submit that the

As such, Heo fails to disclose or suggest each and every feature of the invention as recited in claims 7, 15, 23, 31 and 39.

According to U.S. patent practice, a reference must teach every element of a claim in order to properly anticipate the claim under 35 U.S.C. §102. In addition, “[a] claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference.” Verdegaal Bros. v. Union Oil Co. of California, 814 F.2d 628,631, 2 USPQ2d 1051, 1053 (Fed. Cir.

1987). "Every element of the claimed invention must be arranged as in the claim . . . the identical invention, specifically, [t]he identical invention must be shown in as complete detail as contained in the claim." Richardson v. Suzuki Motor Co., 868 F.2d 1226, 1236 (Fed. Cir. 1989) (emphasis added). Accordingly, Heo does not anticipate claims 7-46 and 62-66, nor are claims 7-46 and 62-66, obvious in view of Heo.

Conclusion

As noted above, claims 47-61 and 67-71 have been allowed.

Claims 8-14 and 62 depend from claim 7, claims 16-22 and 63 depend from claim 15, claims 24-30 and 64 depend from claim 23, claims 32-38 and 65 depend from claim 31, and claims 40-46 and 66 depend from claim 39. The Applicants respectfully submit that these dependent claims are allowable at least because of their dependency from allowable base claims 7, 15, 23, 31, 39. Accordingly, the Applicants respectfully request allowance of claims 7-46 and 62-66 and the prompt issuance of a Notice of Allowability.

Should the Examiner believe anything further is desirable in order to place this application in better condition for allowance, the Examiner is requested to contact the undersigned at the telephone number listed below.

In the event this paper is not considered to be timely filed, the Applicants respectfully petition for an appropriate extension of time. Any fees for such an extension, together with any additional fees that may be due with respect to this paper,

may be charged to Counsel's Deposit Account No. 01-2300, **referencing Attorney Dkt. No. 107156-09071.**

Respectfully submitted,

A handwritten signature in black ink, reading "Rhonda L. Barton". The signature is fluid and cursive, with the first name "Rhonda" being more prominent.

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Enclosure: Petition for Extension of Time (two months)